

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 01 2019

Mark C. McCartt, Clerk  
U.S. DISTRICT COURT

Mr. Cody Cumisky  
Plaintiff

vs.

Case Number: CF-18-5300  
(To be supplied by Court Clerk)

Tulsa Police Crime

Gun Unit Officer Blackwell (ID# 2304) (DIV 5)

Officer Beal (ID# 2355 TPD) (DIV 5)

Defendant(s)

19 CV 112 TCK - FHM

Current Location (including Address) of Confinement :

David L Moss Criminal Justice Center  
300 North Denver  
Tulsa, OK 74103

Prisoner Number:

1173185

## CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983

## A. Parties

1) Cody Cumisky is a citizen of Oklahoma who presently resides at  
(Plaintiff) (State)

6214 East 36th St Apt C, Tulsa, OK 74133  
(Mailing address or place of confinement)

2) Defendant Officer Beal is a citizen of Tulsa OK,  
(Name of first defendant) (City, State)

and is employed as ID# 2355 TPD / Div 510  
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☒ Yes ☐ No

If your answer is yes, briefly explain: He was on the clock and in regular uniform.

3) Defendant Officer Blackwell is a citizen of Tulsa OK,  
(Name of second defendant) (City, State)

and is employed as ID# 2304 / Div 510  
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☒ Yes ☐ No

If your answer is yes, briefly explain: He was on the clock and

Mail ☒ No Cert Svc ☐ No Orig Sign ☐  
C/J ☒ C/MJ ☐ C/Ret'd ☐ No Env ☐  
No Cyps ☐ No Env/Cyps ☐ O/J ☐ O/MJ ☐

in regular uniform.

[You may attach one additional page (8 1/2" x 11") to furnish the above information for additional defendants.]

**B. Jurisdiction**

1) Jurisdiction is asserted pursuant to: (Check one)

☒ 42 U.S.C. §1983 (applies to state prisoners)

☐ *Bivens v Six Unknown Named Agents of Fed. Bureau of Narcotics*  
403 U.S. 388 (1971) and 28 U.S.C. §1331 (applies to fed. prisoners)

2) Jurisdiction also is invoked pursuant to 28 U.S.C. §1343(a)(3). (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)

\_\_\_\_\_  
\_\_\_\_\_

**C. Nature of Case**

1) Briefly state the background of your case. Attached to document

\_\_\_\_\_  
\_\_\_\_\_

**D. Cause of Action**

1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: [If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.]

a) (1) Count I: Poss F/A AFCE, KCSP & Carrying a  
Concealed Weapon (Gun)

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

attached to document

\_\_\_\_\_  
\_\_\_\_\_

b) (1) Count II: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

*MA*



- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

WA

c) (1) Count III: \_\_\_\_\_

WA

- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

WA

**E. Request for Relief**

- 1) I believe that I am entitled to the following relief: compensation for false imprisonment, emotional distress, and loss of wages.

\_\_\_\_\_  
Original Signature of Attorney (if any)

Adely Cummings  
Original Signature of Plaintiff

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Attorney's full address and telephone number



AMitchell 2/22/19

**DECLARATION UNDER PENALTY OF PERJURY**

The undersigned declares (or certifies, verifies, or states) under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. §1746. 18 U.S.C. §1621.

Executed at David L Moss Criminal Justice Center on 2/20/2019  
(Location) (Date)

*Colby K. Kinsley*  
(Original Signature of Plaintiff)



*A Mitchell* 2/22/19



C.) Nature of case: I am being charged with possession of firearm, unlawfully carrying a firearm and knowingly concealing stolen property, in which two other individuals are charged with the in which one gun was recovered. I'm being held for a gun another person took ownership of and feel I shouldn't be incarcerated for.

D.) Cause of action

2) Supporting Facts: I Cody Cummins, and two other individuals whose names are Marquann Cobb, and DeKey Allen was arrested on 11/15/18 at approximately 7:06 pm. We all were charged with one single firearm that was located in a car owned by another person. I was the backseat passenger, in which the gun was retrieved from the front drivers side next to the driver. After the discovery of the gun the passenger in the front seat claimed the gun, and even after the gun was claimed I was still arrested and locked up for a gun I never had possession of nor did I have any knowledge of the gun being in the vehicle.

Cody Cummins

A. Mitchell



Cody Cummins #1173185  
David L. Moss Criminal Justice Center  
300 N. Denver  
Tulsa, OK 74103

RECEIVED

MAR 01 2019

Mark C. McFarrell, Clerk  
U.S. DISTRICT COURT

19 CV 112 TCK - FHM

Clerk, United States District Court  
Northern District of Oklahoma  
333 W. Fourth Street Room 411  
Tulsa, OK 74103-3819

Post Marked  
Al 27/19

neopost  
02/27/2019

US POSTAGE

\$000.45



ZIP 74127  
041443231997



741443231997